

THAT the Regulation to amend the Regulation respecting occupational health and safety, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting occupational health and safety*

An Act respecting occupational health and safety (R.S.Q., c. S-2.1, s. 223, 1st par., subpars. 7, 9 and 42, and 3rd par.)

1. The Regulation respecting occupational health and safety is amended by replacing section 52 by the following:

“**52. Static electricity:** In areas or rooms containing flammable vapours or gases, the following rules must be complied with:

(1) any metallic equipment and machine must be bonded together and commonly grounded or be grounded separately to a grounding network with equivalent conductivity so as to prevent the accumulation of static electricity; and

(2) any non-metallic equipment and machine must be built and installed to first limit the accumulation of static electricity under a safety threshold and then to prevent such an accumulation in excess of the safety threshold.”

2. Section 53 is amended

(1) by replacing paragraph 3 by the following:

“(3) have all metallic components bonded together and commonly grounded or grounded separately to a grounding network with equivalent conductivity so as to prevent the accumulation of static electricity;”;

(2) by inserting the following after paragraph 3:

“(3.1) have all non-metallic components built and installed to first limit the accumulation of static electricity under a safety threshold and then to prevent such an accumulation in excess of the safety threshold;”.

* The Regulation respecting occupational health and safety, approved by Order in Council 885-2001 dated 4 July 2001 (2001, *G.O.* 2, 3888), was last amended by the regulation approved by Order in Council 425-2010 dated 12 May 2010 (2010, *G.O.* 2, 2069). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2010, updated to 1 October 2010.

3. Section 55 is replaced by the following:

“**55. Static electricity:** The rules provided for in section 52 apply in areas or rooms containing combustible dusts that present a fire or explosion hazard.”.

4. Section 343 is amended

(1) by replacing “in compliance with the CAN/CSA Z94.3-92 Industrial Eye and Face Protectors standard” by “acquired as of 5 May 2011 and complying with the CAN/CSA Z94.3-07 Eye and Face Protectors standard”;

(2) by adding the following paragraph:

“However, protectors in good condition and complying with the CAN/CSA Z94.3-92, CAN/CSA Z94.3-99 or CAN/CSA Z94.3-02 standard are considered to offer adequate protection.”.

5. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

O.C. 393-2011, 6 April 2011

An Act respecting occupational health and safety (R.S.Q., c. S-2.1)

Safety Code for the construction industry — Amendment

Regulation to amend the Safety Code for the construction industry

WHEREAS, under subparagraphs 7, 19, 41 and 42 of the first paragraph of section 223 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1), the Commission de la santé et de la sécurité du travail may make regulations on the matters set forth therein;

WHEREAS, under the third paragraph of that section, a regulation may refer to an approval, certification or homologation of the Bureau de normalisation du Québec or of another standardizing body;

WHEREAS the Commission made the Safety Code for the construction industry (R.R.Q., 1981, c. S-2.1, r. 6);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Safety Code for the construction industry was published in Part 2 of the *Gazette officielle du Québec* of 8 July 2009 with a notice that it could be made by the Commission and submitted to the Government for approval, in accordance with section 224 of the Act respecting occupational health and safety, on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS the Commission made the Regulation to amend the Safety Code for the construction industry, without amendment, at its sitting of 20 May 2010;

WHEREAS it is expedient to approve the Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour:

THAT the Regulation to amend the Safety Code for the construction industry, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Safety Code for the construction industry*

An Act respecting occupational health and safety (R.S.Q., c. S2.1, s. 223, 1st par., subpars. 7, 19, 41 and 42, and 3rd par.)

1. The Safety Code for the construction industry is amended by replacing the definition of “non-combustible material” in paragraph 25 of section 1.1 by the following:

“(25) “non-combustible material”: material that complies with CAN4-S114, Standard Method of Test for Determination of Non-Combustibility in Building Materials, applicable at the time of manufacture of the equipment;”.

2. Section 2.1.1 is amended by replacing “except for lodging, eating or recreational facilities put at the disposal of the workers” by “except for facilities provided to workers by the employer for administrative, lodging, eating or recreational purposes”.

* The Safety Code for the construction industry (R.R.Q., 1981, c. S-2.1, r. 6) was last amended by the regulation approved by Order in Council 425-210 dated 12 May 2010 (2010, *G.O.* 2, 2069). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2010, updated to 1 October 2010.

3. Section 2.10.5 is amended by replacing the part preceding paragraph *a* by the following:

“Every worker must wear protective equipment that complies with the latest version of CAN/CSA Standard Z94.3, Eye and Face Protectors, within 24 months following its last update, when the worker’s eyes or face are exposed to”.

4. Section 2.10.6 is replaced by the following:

“**2.10.6. Foot protection:** Subject to section 2.1.1, every person on a construction site must wear class 1 protective footwear that complies with CAN/CSA Standard Z-195, Protective Footwear.”.

5. Section 2.10.7.6 is amended by replacing the second paragraph by the following:

“Such a hearing protector must comply with CAN/CSA Standard Z94.2, Hearing Protection Devices, Performance, Selection, Care and Use, applicable at the time of its manufacture.

The hearing protector must be disinfected before being used by another worker.”.

6. Section 2.10.7.8 is replaced by the following:

“**2.10.7.8. Measuring devices:** For the purposes of this Division, the noise level must be measured with a Type 2 sound level meter for general use or a Type 1 sound level meter for precision purposes, in compliance with one of the following standards, applicable at the time of manufacture of the sound meter:

(1) Sound Level Meters, CSA Standard Z107.1;

(2) Specification for Sound Level Meters, ANSI Standard S1.4A.”.

7. Section 2.10.7.9 is replaced by the following:

“**2.10.7.9. Measurement methods:** For the purposes of this Division, noise must be measured in compliance with CSA/CAN Standard Z107.56-94, Procedures for the Measurement of Occupational Noise Exposure.”.

8. Section 3.2.8 is amended

(1) by replacing “**Sinks or showers**” by “**Sinks**”;

(2) by inserting “that comply with section 3.2.15 and” after “showers” and by replacing “enabling” by “that enable”.

9. The following is inserted after section 3.2.9:

“3.2.10. Changing room: The employer must provide a changing room to workers working in an underground work site or to those who must wear specific clothing, used exclusively for

(1) abrasive blasting;

(2) work liable to produce asbestos dust emissions where moderate-risk work is carried out in accordance with paragraph 2 of section 3.23.2;

(3) work carried out in heat stress that exceeds the continuous work curve in the “Permissible heat exposure limit values” graph of Schedule V to the Regulation respecting occupational health and safety, approved by Order in Council 885-2001 dated 4 July 2001; and

(4) work carried out in compressed air.

3.2.11. Changing room features: The changing room referred to in section 3.2.10 must be in an area separate from the work area, have a minimum level of illumination of 250 lux and be maintained at a minimum temperature of 20°C, be provided with drinking water, installations to dry work clothes and individual lockers to store clothes. In addition, the storage space of each locker must be at least 0.14 cubic metres and there must be a clearance of at least 600 mm in front of each row of lockers.

3.2.12. Double changing room: The employer must provide workers with a changing room for street clothes and another one for work clothes, between which a shower room is set up so that workers may shower before wearing their street clothes,

(1) for work liable to produce asbestos dust emissions where high-risk work is carried out according to paragraph 3 of section 3.23.2; or

(2) where workers are exposed to lead, mercury or beryllium or their compounds, in the form of vapour or dust.

3.2.13. Layout of the facilities: The facilities referred to in section 3.2.12 must be contiguous to the work area, each changing room and the shower room must be in separate, communicating rooms used exclusively for the purposes referred to in section 3.2.12. The changing rooms must comply with section 3.2.11 and the showers with section 3.2.15.

3.2.14. Showers: The employer must provide showers to workers working in an underground work site or to those who must wear specific clothing, used exclusively for

(1) abrasive blasting;

(2) work liable to produce asbestos dust emissions where high-risk work is carried out in accordance with paragraph 3 of section 3.23.2;

(3) work where workers are exposed to lead, mercury or beryllium or their compounds, in the form of vapour or dust;

(4) work carried out in heat stress that exceeds the continuous work curve in the “Permissible heat exposure limit values” graph of Schedule V to the Regulation respecting occupational health and safety; and

(5) work carried out in compressed air.

3.2.15. Shower features: The showers referred to in section 3.2.14 must be installed separately for each sex, not less than one shower per 10 workers or less of each sex, in rooms that are maintained at a minimum temperature of 20°C and that have a minimum level of illumination of 250 lux. They must be supplied with temperature controlled potable water, be provided with soap, individual towels and hand towels, and be cleaned and disinfected at least once per shift, when they have been used.”.

10. Section 3.9.13 is amended by replacing subparagraph *a* of subsection 4 by the following:

“(a) comply with the rules, as they read when applied, of the Hoisting and Rigging Safety Manual of the Construction Safety Association of Ontario, translated by the Commission de la santé et de la sécurité du travail and published by Les Publications du Québec;”.

11. Section 3.10.2.1 is amended by replacing subparagraph *ii* of subparagraph *e* of the first paragraph by the following:

“ii. safety glasses or a face shield that comply with the latest version of CAN/CSA Standard Z94.3, Eye and Face Protectors, within 24 months following its last update, or a visor designed to be attached to a protective helmet;”.

12. Section 3.10.3 is amended by replacing subsections 1, 2 and 3 by the following:

“3.10.3. Heavy equipment:

(1) The heavy equipment referred to in subparagraph *a* or *b* must have a rollover protective structure that complies with the standards referred to in those subparagraphs:

(a) Bulldozer, loader and skidder on wheels or caterpillars, grader, scraper and roller: ISO 3471, Earth-Moving Machinery — Roll-Over Protective Structures — Laboratory Tests and Performance Requirements, applicable at the time of manufacture of the equipment;

(b) Agricultural and industrial tractor with engine power greater than 15 kilowatts: SAE J1194, Rollover Protective Structures (ROPS) for Wheeled Agricultural Tractors, applicable at the time of manufacture of the equipment.

(2) The heavy equipment referred to in subparagraph *a* of paragraph 1 must be protected from falling objects by a protective structure that complies with ISO 3449, Earth-Moving Machinery — Falling Object Protective Structures — Laboratory Tests and Performance Requirements, applicable at the time of manufacture of the equipment.”.

13. Section 3.10.3.4 is amended by replacing paragraphs *a* and *b* by the following:

“(1) the lift cylinders of the boom, arm or bucket of the machine are provided with load lowering control devices that comply with one of the following standards:

(a) for machinery manufactured before 5 May 2011: ISO 8643: 1988, Earth-Moving Machinery — Hydraulic Excavator and Backhoe Loader Boom-Lowering Control Device — Requirements and Tests, adapted as required;

(b) for machinery manufactured as of 5 May 2011: ISO 8643, Earth-Moving Machinery — Hydraulic Excavator and Backhoe Loader Boom-Lowering Control Device — Requirements and Tests, as the standard reads when applied, adapted as required;

(2) the outriggers are provided with control devices installed in accordance with one of the standards referred to in subparagraph *a* or *b* of paragraph 1.”.

14. Section 3.11.5 is replaced by the following:

“**3.11.5.** An electric air-heater must be certified in accordance with CAN/CSA Standard C22.2 No. 46, Electric Air-Heaters, applicable at the time of its manufacture.”.

15. Section 3.20.6 is replaced by the following:

“**3.20.6. Abrasive blasting - Changing room and shower:** For abrasive blasting, the employer must provide workers with a changing room that complies with section 3.2.11 and a shower that complies with section 3.2.15.”.

16. Section 3.23.15 is amended by inserting the following after paragraph 3:

“(3.1) the employer must provide workers with a changing room that complies with section 3.2.11.”.

17. Section 3.23.16 is amended by replacing paragraph 6 by the following:

“(6) the employer must provide workers working in the work area with a double changing room that complies with section 3.2.13;”.

18. Section 3.23.16.1 is amended by replacing “subsections 3, 4 and 6 to 12 of section 3.23.15, those provided for in subsections 1 and 2, in paragraph *e* of subsection 7 and in subsections 10 and 11 of section 3.23.16” by “paragraphs 3, 3.1, 4 and 6 to 12 of section 3.23.15, those provided for in paragraphs 1 and 2, in subparagraph *e* of paragraph 7 and paragraphs 10 and 11 of section 3.23.16”.

19. Section 6.4.2 is revoked.

20. Section 8.1.2 is amended by replacing the part preceding paragraph *a* by the following:

“**8.1.2.** In addition to complying with the provisions of NFPA 30, Flammable and Combustible Liquids Code, as it reads when applied, the storage of flammable liquids in an underground work site must”.

21. Section 8.7.2 is amended by replacing “, by a weighted steel chain grid in conformity with the standard, Standard Specification for Zinc — Coated Steel Chain — Link Fence Fabric, ASTM A 392 — 68” by “, by a wire mesh made of No. 9 AWG galvanized steel wire and forming links of not more than 40 millimetres on a side so that the persons travelling in the compartment will not be struck by the conveyance or the counterweight or be hit by objects that may fall in the shaft.”.

22. Section 8.9.1 is replaced by the following:

“**8.9.1. Underground work site – Changing room and shower:** In every underground work site, the employer must provide workers with a changing room located on the surface that complies with section 3.2.11 and a shower that complies with section 3.2.15.”.

23. Sections 8.9.2 and 8.9.3 are revoked.

24. Section 9.7.1 is replaced by the following:

“9.7.1. Compressed air – Changing room and shower: For work in compressed air, the employer must provide workers with a changing room that complies with section 3.2.11 and a shower that complies with section 3.2.15.”.

25. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

1405

M.O., 2011

Order number 2011-002 of the Minister of Health and Social Services dated 17 February 2011

An Act respecting health services and social services (R.S.Q., c. S-4.2)

Regulation to amend the Regulation respecting certain terms of employment applicable to senior administrators of agencies and of public health and social services institutions,

CONSIDERING the Regulation respecting the selection, remuneration, group insurance plans, employment stability measures, end of engagement measures, and procedure of appeal applicable to the executive directors of regional boards and of public health and social services institutions made by Order in Council 1217-96 dated 25 September 1996;

CONSIDERING section 205 of the Act to amend the Act respecting health services and social services and amending various legislative provisions (1998, c. 39) to the effect that the Regulation is deemed to have been made by the Minister of Health and Social Services under section 487.2 of the Act respecting health services and social services (R.S.Q., c. S-4.2);

CONSIDERING the replacement of the title of the Regulation by “Regulation respecting certain terms of employment applicable to senior administrators of regional boards and of public health and social services institutions”, approved by T.B. 193820 dated 21 September 1999;

CONSIDERING the replacement of the words “regional boards” in the title of the Regulation by the word “agencies”, pursuant to paragraph 2 of section 309 of chapter 32 of the Statutes of 2005 which came into force on 1 January 2006;

CONSIDERING the necessity to amend the Regulation;

CONSIDERING the first paragraph of section 487.2 of the Act respecting health services and social services;

CONSIDERING the authorization obtained from the Conseil du trésor in accordance with the third paragraph of section 487.2 of the Act respecting health services and social services;

THEREFORE, the Minister of Health and Social Services hereby makes the Regulation to amend the Regulation respecting certain terms of employment applicable to senior administrators of agencies and of public health and social services institutions.

YVES BOLDDUC,
Minister of Health and Social Services

Regulation to amend the Regulation respecting certain terms of employment applicable to senior administrators of agencies and health and social services institutions*

An Act respecting health services and social services (R.S.Q., c. S-4.2, s. 487.2)

1. The Regulation respecting certain terms of employment applicable to senior administrators of agencies and health and social services institutions is amended by inserting, after section 159.1.1, the following section:

“159.1.2. A senior administrator to whom section 159.1.1 applies and who, as of the date on which this section comes into force, is receiving the 6% monetary compensation, may, notwithstanding the second paragraph of section 48.1, again be covered by management employees group insurance plans of the public and parapublic sectors in which the senior administrator was participating on July 28, 2009, if he or she satisfies the following conditions:

a) as of the date on which this section comes into force, the senior administrator still holds the position that he or she held on July 28, 2009 or, if the senior administrator no longer holds that position, holds another

* The Regulation respecting certain terms of employment applicable to senior administrators of agencies and health and social services institutions, made by Order in Council No. 1217-96 dated September, 25, 1996 (1996, G.O. 2, 5721), was last amended by the regulation enacted by Ministerial Order No. 2009-008 dated July 16, 2009 (2009, G.O. 2, 3480). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2010, updated to October 1, 2010.